



NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

May 21, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Navajo Tribal Utility Authority ("NTUA") Reply Comments on Public Notice FCC 15-49—Request for Further Comment on Issues Related to Competitive Bidding Proceeding; WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395

Dear Secretary Dortch,

On behalf of Navajo Tribal Utility Authority ("NTUA"), a not-for-profit Navajo Nation enterprise established in 1959 by the Navajo Nation Council and charged with providing various utility services including telecommunications and information services to residents of the 27,000 square-mile Navajo Nation, I respectfully submit these Reply Comments in response to Public Notice FCC 15-49.

Background

NTUA and its majority-owned subsidiary, NTUA Wireless, LLC ("NTUA-W"), have successfully worked to bridge the digital divide in Indian Country by bringing advanced wireless telecommunications services to a significant portion of the Navajo Nation. Since 2010 NTUA has constructed, and currently owns and operates a wholesale "middle mile" backhaul network, and NTUA-W has deployed and currently operates "last mile" retail 4G broadband data and voice wireless service on the Navajo Nation. In February 2014, the FCC designated NTUA-W as an eligible telecommunications carrier ("ETC") on the Navajo Nation, enabling NTUA-W to serve the communications needs of the Navajo Nation.

Comments on Issues Related to Competitive Bidding Proceeding

NTUA's successes in this arena were hard fought and required assistance from the federal government and private industry to bring to fruition. High-speed and dependable telecommunications services are still not available on a significant portion of Indian Country, including portions of the Navajo Nation. The challenges faced in bringing and deploying

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telecommunications services to tribal lands are numerous and have been well documented in Federal Communications Commission ("Commission") dockets. These obstacles include extreme poverty, a high unemployment rate and geographically dispersed population. In addition, Tribal enterprises face hurdles in provided security for loans and competing for spectrum licenses due to their organizational characteristics and comparatively small footprints.

For these reasons, NTUA urges the Commission to preserve the small business designated entity program and the tribal land bidding credit. In order for tribes to break into this highly competitive market, these programs are essential in providing tribes with an opportunity to participate in future auctions.

Additionally, NTUA disputes the factually unsupported and culturally oblivious comments filed by NTCH, Inc. ("NTCH"), wherein blatant assumptions are made about tribal nations, their citizens, and their financial status. NTCH's recommendation to develop some sort of "means testing" to determine telecommunication needs in Indian Country is seemingly based on a wholly unsupported presumption regarding the state of telecommunications on tribal lands. The Commission has previously acknowledged and documented the telecommunications infrastructure disparities that have persisted on tribal lands for decades. NTUA respectfully urges the Commission to disregard NTCH's conjecture on these topics and preserve the tribal land bidding credit and small business designated entity programs for the benefit of future tribal participation.

NTUA also encourages the Commission to take into serious consideration how any modifications to the tribal land bidding credit and/or small business designated entity program may adversely affect tribal opportunities to participate in future spectrum license auction. Given the immensely competitive nature of spectrum auctions and the vast amount of capital needed to participate, the Commission should not hastily modify programs that will further prevent tribal participation.

Sincerely,

NAVAJO TRIBAL UTILITY AUTHORITY



Walter W. Haase, P.E.
General Manager